

# MEMORANDUM

March 9, 2005

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: ROBERT HUFNAGEL  
Veatch, Carlson, Grogan, and Nelson

ROGER H. GRANBO  
Principal Deputy County Counsel  
General Litigation Division

RE: Ralph Mitchell v. County of Los Angeles  
Compton Superior Court Case No. TC 016625

DATE OF  
INCIDENT: January 25, 2002

AUTHORITY  
REQUESTED: \$50,000

COUNTY  
DEPARTMENT: Department of Human Resources

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## CLAIMS BOARD ACTION:



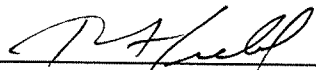
Approve



Disapprove



Recommend to Board of  
Supervisors for Approval



ROCKY A. ARMFIELD

, Chief Administrative Office



JOHN F. KRATTLI

, County Counsel



MARIA M. OMS

, Auditor-Controller

on March 21, 2005

## SUMMARY

This is a recommendation to settle for \$50,000, a lawsuit filed by Ralph Mitchell for injuries he sustained in an automobile accident with an Officer from the Office of Public Safety.

## LEGAL PRINCIPLES

The County is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

## SUMMARY OF FACTS

On January 25, 2002, at approximately 8:00 p.m., an Officer from the Office of Public Safety was on duty driving south on Central Avenue near the Willowbrook area. As he approached the intersection at 120<sup>th</sup> Street, the Officer's attention was drawn to a pedestrian in the road in front of him. The Officer swerved to avoid hitting the pedestrian and entered the intersection against a red light, colliding with a pizza delivery truck driven by Ralph Mitchell.

Mr. Mitchell sustained soft tissue injuries to his neck and back. He also claims that he will require back surgery, and that he suffered numerous other injuries, including dental injuries, all of which are disputed.

## DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

|                    |                   |
|--------------------|-------------------|
| Medical expenses   | \$ 143,000        |
| Loss of earnings   | \$ 5,000          |
| Pain and suffering | <u>\$ 100,000</u> |
| Total              | <u>\$ 248,000</u> |

The proposed settlement calls for the County to pay Ralph Mitchell \$50,000 for all of his damages, costs, and attorney fees.

## STATUS OF CASE

The trial court proceeding has been suspended pending consideration of the proposed settlement.

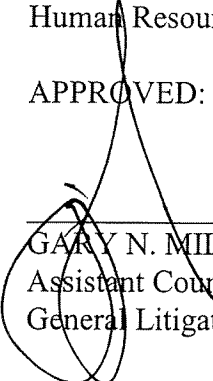
Expenses incurred by the County in defense of this action are attorney fees of \$31,533 and \$51,183 in costs. The costs in this matter are relatively high due to the medical experts our attorneys were required to hire to evaluate the nature and extent of the injuries claimed by Mr. Mitchell.

### EVALUATION

This is a case of probable liability. Although the Officer was avoiding a pedestrian, we believe the evidence will show that he could have stopped for the red light had he been driving more cautiously. A reasonable settlement at this time will avoid further litigation costs and a potential jury verdict that could exceed the proposed settlement.

We join with our private counsel, Veatch, Carlson, Grogan, and Nelson, and our third party administrator, Carl Warren and Company, in recommending a settlement in the total amount of \$50,000. The Department of Human Resources concurs in the recommendation.

APPROVED:



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GARY N. MILLER  
Assistant County Counsel  
General Litigation Division

RHG:scr